

HOUSE CONCURRENT RESOLUTION NO. _____

An act by concurrent resolution and pursuant to Article IV, Section 8, Missouri Constitution, to disapprove portions of 13 CSR 70-20.031 and 13 CSR 70-20.034 relating to prior authorization of excludable and nonexcludable drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Whereas, the Department of Social Services promulgated 13 CSR 70-20.031 and 13 CSR 70-20.034 which would become effective thirty days after publication in the Code of State Regulations; and

Whereas, the Joint Committee on Administrative Rules has found that the Department acted arbitrarily and capriciously and recommends that the General Assembly act to permanently disapprove and suspend that portion of 13 CSR 70-20.031(3), List of Excludable Drugs for Which Prior Authorization is Required, that reads "Itraconazole Oral -- Noncosmetic uses"; and that portion of 13 CSR 70-20.034(2), List of Non-Excludable Drugs for Which Prior Authorization is Required, that reads "Nonsedating antihistamines -- unrestricted use by patients 18 years of age and younger and medically accepted uses following acceptable trial of unrestricted alternatives for patients older than 18 years of age"; and

Whereas, the General Assembly finds that the department acted arbitrarily and capriciously when it failed to comply with the provisions of 13 CSR 70-20.200 (3) and (4) when promulgating those portions of 13 CSR 70-20.031 and 13 CSR 70-20.034 which relate to Itraconazole and non-sedating antihistamines:

Now, therefore, be it resolved that the ninety-first General Assembly, Second Regular Session, upon concurrence of a majority of the members of the House of Representatives and a majority of the members of the Senate, hereby permanently disapproves and suspends that portion of 13 CSR 70-20.031(3), List of Excludable Drugs for Which Prior Authorization is Required, that reads "Itraconazole Oral -- Noncosmetic uses"; and that portion of 13 CSR 70-20.034(2), List of NonExcludable Drugs for Which Prior Authorization is Required, that reads "Nonsedating antihistamines -- unrestricted use by patients 18 years of age and younger and medically accepted uses following acceptable trial of unrestricted alternatives for patients older than 18 years of age"; and

Be it further resolved that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-first General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

Be it further resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Offered by Representative Luann Ridgeway

Ted Wedel, Chief Clerk of the House of Representatives, and Terry L. Spieler, Secretary of the Senate, do hereby certify that the aforementioned is a true and correct copy of House Concurrent Resolution No. , adopted by the House of Representatives on , 2002, and concurred in the Senate on , 2002.

Speaker of the House of Representatives

President Pro Tem of the Senate

Governor

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